



10/8/03

FINAL PASSAGE

SBs 46-7 (Patterson)

SB 568 (Patterson)

ENVIRONMENTAL PROTECTION: WATER POLLUTION

Senate Bill 46 would increase penalties for violations of the Water Resources Protection Act. The bill would raise the civil fine floor of \$2,500 to \$5,000 and raise the ceiling from \$25,000 to \$50,000 per day of violation. Support: Detroit Riverkeeper, Sierra Club, MEC.

10/7:

- *Committee 1 (S-2) was defeated [no RC]. Birkholz stated the substitute S-3 was a better version of the bill.*
- *Patterson 2 (S-3) was adopted [no RC]. This would strengthen the language used to define the criminal offense of "catastrophic discharge" to any intentional or grossly negligent spilling, leaking, etc. The civil offense does not change but remains substantial endangerment.*
- *Gilbert 2A was adopted [no RC]. This would penalize those who fail to report pollution discharges when they have a legal obligation to report such discharges.*
- *SB 46 was moved to 3rd Reading.*

10/8:

- **BRATER 1 (7 amends) was defeated [RC 442: 15 yes, 21 no]. This would have lowered the civil liability standard from reckless to careless.**
- **Birkholz 2 (7 amends) was adopted [RC 447: 36 yes, 0 no]. This copy of the Brater amendment lowered the civil liability standard from reckless to careless.**
- **SB 46 passed [RC 448: 36 yes, 0 no].**

Senate Bill 47 would make the technical changes necessary in order to increase the penalties for polluting Michigan waters.

10/7:

- *Patterson 1 (2 amends) was withdrawn.*
- *Patterson 2 (S-1) was adopted [no RC].*
- *SB 47 was moved to 3rd Reading.*

10/8:

- **SB 47 passed [RC 443: 36 yes, 0 no].**

Senate Bill 568 would allow for a \$10,000 award to be given to a person who provides information that contributes to the assessment of a civil fine for environmental violations. Support: MEC, Sierra Club.

10/7:

- *Patterson 1 (S-1) was adopted [no RC]. This require that any person who knowingly gives false information will pay the expenses incurred by the department and the expenses incurred by the person whom the information was used against.*
- *Senate Bill 568 was moved to 3rd Reading.*

10/8:

- **BRATER 1 (1 amend) was adopted [RC 449: 21 yes, 15 no]. This changed the punitive portion of the bill – a person who knowingly gave false information would only be held liable if they did it in order to receive the financial reward. Hammerstrom moved to reconsider passage of the Brater amendment. This motion passed [no RC].**
- **Hammerstrom then moved to pass the bill for the day. This motion also passed [no RC]. SB 568 was passed for the day.**

SB 221 (Garcia)

Senate Bill 221 would specify that individuals who possess a CCW permit would be allowed to carry or transport their pistol, whether concealed or not, in an area frequented by wild animals. Currently, a person is prohibited from carrying or transporting a firearm in any area frequented by wild animals unless that person has an appropriate hunting license. This bill does not authorize the use of a pistol for hunting purposes.

- *SB 221 was moved to 3rd Reading. No amendments. (10/7)*
- **SB 221 passed [RC 444: 32 yes, 4 no]. (10/8)**

SB 474 (Garcia)

“Payday Lending”

Senate Bill 474 would regulate the payday loan industry by requiring payday lenders to be licensed by the Office of Financial and Insurance Services (OFIS), pay an operating fee to be determined by the Commissioner, require certain disclosure in a written agreement, limit a loan to \$1,000 with no rollovers, allow for an 18% service fee for each transaction, and establish penalties for violations.

Support: Check-N-Go, Cottonwood Financial -- The bill would establish regulation of an industry that has grown significantly since 1990. The bill would prohibit the ability to roll over a loan which typically results in additional fees. The bill also would allow a 24 hour right of rescission under which an individual could cancel the transaction at no cost and for any reason. The bill would require a payday loan to be documented by a written agreement and requires the lender to disclose that a loan is intended for short-term needs.

Opposed: Office of Financial and Insurance Services, Michigan Consumer Federation, Michigan Advocacy Project, AFL-CIO, AARP, UAW -- The 18% service fee charged on these loans would be exorbitant. 18% on a \$100.00 loan for two weeks amounts to 468% annual percentage rate.

10/1:

- *Committee 1 (S-4) was adopted [no RC].*
- *Scott 2 (S-5) was defeated [no RC]. DEMS This substitute is far more consumer friendly. It lowers the fee from 18% to 10%. It also establishes a state-wide database to track payday lending practices.*

- *SB 474 was moved to 3rd Reading.*

10/8:

- SCOTT 1 (S-5) was defeated [RC 450: 16 yes (DEMS), 20 no (Republicans)]. DEMS This substitute is far more consumer friendly. It lowers the fee from 18% to 10%. It also establishes a state-wide database to track payday lending practices.
- SCOTT 2 (1 amend) was defeated [RC 451: 15 yes (DEMS), 20 no (Republicans)]. This would have lowered the fee from 18% to 10%.
- JACOBS 3 (1 amend) was defeated [RC 452: 16 yes (DEMS), 19 no (Republicans)]. This would have lowered the fee from 18% to 13%.
- Garcia 4 was withdrawn.
- Garcia 5 (1 amend) was adopted [RC 453: 35 yes, 0 no]. This lowered the fee from 18% to 16%.
- Garcia 6 (1 amend) was [RC 454: 21 yes, 14 no (DEMS)]. Garcia said this was a “compromise” on tracking payday loans; however, Sen. SCOTT pointed out that the state’s Office of Financial and Insurance Services opposed this amendment.
- Garcia 6A was adopted [no RC]. Technical changes to Garcia 6.
- SB 474 passed [RC 455: 26 yes, 10 no].

SB 508 (Sanborn)

SB 511 (Sanborn)

Senate Bill 508 would add the penalties created in SB 511 to the state’s Sentencing Guidelines.

10/7:

- *Committee 1 (S-2) was adopted [no RC].*
- *SB 508 was moved to 3rd Reading.*

10/8:

- SB 508 passed [RC 445: 36 yes, 0 no].

Senate Bill 511 creates criminal penalties for a person responsible for disposing of human remains (i.e. funeral home) who fails to properly dispose of such remains within a reasonable time after the death of another person.

10/7:

- *Committee 1 (S-1) was adopted [no RC].*
- *SB 511 was moved to 3rd Reading.*

10/8:

- SB 511 passed [RC 446: 36 yes, 0 no].

THIRD READING

SB 710 (Johnson)

Senate Bill 710 would delete a January 1, 2004 sunset on the safe delivery program. That program is required to include a toll-free, 24-hour telephone line, which must provide information regarding prenatal care and newborn delivery; pregnancy-related support and counseling services; adoption options; counseling resources and crisis management assistance; and legal and procedural requirements for voluntarily surrendering a newborn.

- SB 710 was moved to 3rd Reading. No amendments.

HB 4601 (Gaffney)

House Bill 4601 gives expanded opportunities to challenge signatures on election petitions. Support: Michigan Municipal League, Secretary of State. Administration is neutral. Board of Canvassers.

- Hammerstrom 1 (1 amend) was adopted [no RC].
- HB 4601 was moved to 3rd Reading.